

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 3:16-CR-30011-011

EDWARD HUGH WADE, JR.

DEFENDANT

**OPINION AND ORDER**

Before the Court is Defendant's motion (Doc. 257) to award him credit against his federal sentence for time spent in state custody. On August 22, 2018, the Court entered an opinion and order (Doc. 256) addressing Defendant's previous request (Doc. 255) to award him credit against his federal sentence for this time served in state custody. As the Court explained then, Defendant was appearing in this Court on a writ of habeas corpus ad prosequendum because he was under the primary jurisdiction of the State of Arkansas following revocation of his parole for a state sentence imposed on a prior offense. Time spent in custody following execution of the writ issued in Defendant's federal case was not time spent in federal custody. Defendant was merely "on loan" from the State of Arkansas to the United States at that time. *United States v. Hayes*, 535 F.3d 907, 909–10 (8th Cir. 2008); *United States v. Cole*, 416 F.3d 894, 896–97 (8th Cir. 2005). The motion to award him credit against his federal sentence is DENIED.

Defendant also requests a copy of his judgment and a transcript of his sentencing hearing. The Clerk is directed to provide Defendant a copy of his judgment (Doc. 232) along with this opinion and order. Defendant has shown no good cause why he should be given a copy of his transcript without paying the transcript fees set by this Court, however. The Clerk is directed to provide Defendant with a copy of the current schedule of fees, and he may then determine whether to request a copy of his transcript at that time.

IT IS SO ORDERED this 2nd day of April, 2019.

/s/ P. K. Holmes, III

P.K. HOLMES, III  
U.S. DISTRICT JUDGE